

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FAIRSEA, LLC

Plaintiff,

v.

**PHILADELPHIA INDEMNITY
INSURANCE COMPANY,**

Defendant.

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CIVIL ACTION

NO. 12-0595

ORDER

AND NOW, this ____ day of December, 2012, upon consideration of Defendant's Motion to Dismiss Count II of Plaintiff's Complaint (Doc. 6), Plaintiff's response thereto (Doc. 10), Defendant's reply to Plaintiff's response (Doc. 13), and Plaintiff's submission of supplemental authority (Doc. 14-3), **IT IS HEREBY ORDERED** that said Motion is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff may amend its complaint, within fifteen (15) days of this court's order to alleges any additional New York claims related to the bad faith denial of insurance coverage under which it might wish to proceed.

BY THE COURT:

/s/ Petrese B. Tucker

Hon. Petrese B. Tucker, U.S.D.J.